

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

MEMORANDUM OPINION

Plaintiff alleges the Defendant Claiborne County Justice Center (“Justice Center”) violated her Eighth Amendment rights and brings this action *pro se* under 42 U.S.C. § 1983 [Doc. 1]. Plaintiff was booked and held in the Justice Center for approximately 31 hours from October 21, 2019 to October 22, 2019 [Doc. 11-1, 11-2]. She filed a complaint on February 7, 2020, alleging that her rights were violated when the nurse did not provide plaintiff with her medication, even upon request [Doc. 1]. Defendant filed the present Motion for Summary Judgment on May 6, 2020 [Doc. 9]. Plaintiff did not file a response, and the time for doing so has expired. E.D. Tenn. L.R. 7.1(a). Upon review of the record, and for the reasons that follow, defendant’s Motion [Doc. 9] will be **GRANTED**.

I. Standard of Review

Rule 56(a) of the Federal Rules of Civil Procedure provides that “[t]he court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” In ruling on a

motion for summary judgment, the court must draw all reasonable inferences in favor of the nonmoving party. *McLean v. 988011 Ontario Ltd.*, 224 F.3d 797, 800 (6th Cir. 2000). As such, the moving party has the burden of conclusively showing the lack of any genuine issue of material fact. *Smith v. Hudson*, 600 F.2d 60, 63 (6th Cir. 1979). To successfully oppose a motion for summary judgment, “[t]he non-moving party . . . must present sufficient evidence from which a jury could reasonably find for him.” *Jones v. Muskegon Cnty.*, 625 F.3d 935, 940 (6th Cir. 2010) (citing *Anderson v. Liberty Lobby, Inc.*, 447 U.S. 242, 252 (1986)). Additionally, as a general rule, *pro se* pleadings are to be “liberally construed” and “held to less stringent standards than formal pleadings drafted by lawyers.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

II. Analysis

Defendant argues summary judgment is appropriate because the Justice Center, as a part of the Claiborne County Sheriff’s Department, is not an entity capable of being sued, and that plaintiff has not established a policy or custom that has harmed her [Doc. 11 pp. 3–4].

First, plaintiff has only named the Justice Center as a defendant. However, it is well established that a jail is not a “person” subject to suit under § 1983. *See Watson v. Gill*, 40 F. App’x 88, 89 (6th Cir. 2002) (county jail is a department of the county and not a separate legal entity capable of being sued); *Travis v. Clinton Cnty. Jail*, No. 1:10-cv-1276, 2011 WL 447000, at *2 (W.D. Mich. Feb. 4, 2011) (“The jail is a building, not an entity capable of being sued in its own right.”).

Additionally, the Justice Center is not capable of being sued as a part of the Claiborne County Sheriff's Office ("Sheriff's Office"). *See Mathes v. Metro. Gov't of Nashville & Davidson Cnty.*, No. 3:10-cv-0496, 2010 WL 3341889, at *2 (M.D. Tenn. Aug. 25, 2010) (collecting Tennessee district court cases concluding that police departments and sheriff's offices are not proper parties to a § 1983 suit); *Petty v. Cnty. of Franklin, Ohio*, 478 F.3d 341, 347 (6th Cir. 2007) (holding the same under Ohio law); *Matthews v. Jones*, 35 F.3d 1046, 1049 (6th Cir. 1994) (holding the same under Kentucky law). Since the Justice Center and Sheriff's Office are not capable of being sued, Claiborne County ("County") would be the proper party. *Matthews*, 35 F.3d, at 1049. Even though *pro se* pleadings are to be construed liberally, in each place in which plaintiff named a defendant, she referenced the full name of Claiborne County Justice Center and makes no references to the county alone [Doc. 1].

Second, assuming, *arguendo*, that plaintiff had named the County as a defendant, the case would still be entitled to summary judgment, as plaintiff does not allege that the violations are carried out under the authority of an unconstitutional policy or custom. *Id.* "Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), county liability is limited to situations in which the deprivation of constitutional rights results from an official policy or custom of the county." *Petty*, 478 F.3d at 347 (6th Cir. 2007). A plaintiff must (1) identify a policy or custom, (2) connect it to the county, and (3) show the injury was caused by the execution of that policy. *Garner v. Memphis Police Dep't*, 8 F.3d 358, 364 (6th Cir. 1993). Because plaintiff has not claimed that the alleged violations at the Justice

Center were carried out under the authority of an unconstitutional policy or custom utilized by the County, she does not state a claim even if she had named the County instead of or in addition to the Justice Center. Defendant is therefore entitled to summary judgment as a matter of law.

III. Conclusion

Defendants' motion for summary judgment will be **GRANTED** and plaintiff's claim against the Claiborne County Justice Center will be **DISMISSED**.

ORDER ACCORDINGLY.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE